

HOUSE BILL 1480

By Buck

AN ACT to amend Tennessee Code Annotated, Title 40,  
relative to sex offenders.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated Section 40-39-202, is amended by deleting subdivision (2) in its entirety and substituting instead the following:

(2) "Conviction" means a judgment entered by a Tennessee court upon a plea of guilty, a plea of nolo contendere, or a finding of guilt by a jury or the court, notwithstanding any pending appeal or habeas corpus proceeding arising from such judgment, and regardless of whether the adjudication is withheld. "Conviction" includes any adjudication that results in a sanction. A sanction includes, but is not limited to, a fine, probation, community control or supervision, parole, conditional release, incarceration, or controlled release. A "conviction" also includes, but is not limited to, a conviction by a federal court or military tribunal, including courts-martial conducted by the armed forces of the United States, and a conviction in any other state of the United States, other jurisdiction, or other country. A conviction for an offense committed in another jurisdiction that would be classified as a "sexual offense" under subdivision (17) or a "violent sexual offense" under subdivision (25), if committed in this state, shall be considered a "conviction" for the purposes of this part.

SECTION 2. Tennessee Code Annotated, Title 40, Chapter 39, Part 2, is amended by adding the following as a new section:

§ 40-39-212.

(a) Upon the court's acceptance of a defendant's entry of a plea of guilty, and, notwithstanding the absence of a final sentencing and entry of a judgment of conviction, any defendant who is employed or practices a vocation, establishes a

primary or secondary residence, or becomes a student in this state, and who enters a plea of guilty to a qualifying offense in § 40-39-202(17) or § 40-39-202(25), shall be required to register with a registering agency.

(b) Notwithstanding the absence of a final sentencing and entry of a judgment of conviction, any defendant who is employed or practices a vocation, establishes a primary or secondary residence, or becomes a student in this State, and who enters a plea of guilty to an offense in another state, county, or jurisdiction that may result in a conviction of a qualifying offense in § 40-39-202(17) or § 40-39-202(25), shall be required to register with a registering agency.

(c) Upon the court's acceptance of a defendant's entry of a plea of guilty, and notwithstanding the absence of a final sentencing and entry of a judgment of conviction, any defendant from another state who enters a plea of guilty to an offense in this State that may result in a conviction of a qualifying offense in § 40-39-202(17) or § 40-39-202(25), shall be required to register with a registering agency.

(d) Defendants who are employed or practice a vocation, establish a primary or secondary residence, or become a student in this State, and who have entered into formal written diversion agreements pursuant to T.C.A. § 40-15-105 or who are placed on judicial diversion pursuant to § 40-35-313(a)(1)(A), or its equivalent in another state or jurisdiction, shall comply with the provisions of the Tennessee Sexual Offender and Violent Offender Registration, Verification, and Tracking Act of 2004 during the period of diversion.

(e) Upon successful completion of the diversionary period the court shall order the defendant removed from the registration of the Tennessee Sexual

Offender and Violent Offender Registration, Verification, and Tracking Act of 2004 and all such records shall be retained or destroyed consistent with the applicable statute or regulation regarding the retention or destruction of such records.

SECTION 3. This act shall take effect July 1, 2007, the public welfare requiring it.